

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

|   |   |                                |
|---|---|--------------------------------|
| United States of America                          | ) |                                |
| v.  | ) |                                |
| Barron Fione Jones                                | ) | Case No: <u>4:98CR89-7</u>     |
|   | ) | USM No: <u>14648-058</u>       |
| Date of Previous Judgment: <u>3/25/99</u>         | ) | <u>Samuel Bayness Winthrop</u> |
| (Use Date of Last Amended Judgment if Applicable) | ) | Defendant's Attorney           |

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

|   |  |
|---|--|
| Previous Offense Level: _____                   | Amended Offense Level: _____                   |
| Criminal History Category: _____                | Criminal History Category: _____               |
| Previous Guideline Range: _____ to _____ months | Amended Guideline Range: _____ to _____ months |

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): Although the defendant's base offense level is reduced two levels due to the passage of Amendment 706 (Retroactive Crack Cocaine Reduction) due to the amount of cocaine base involved in the offense, the defendant was initially found to be a career offender, and the resulting adjusted and total offense levels are the same as found at the initial sentencing. Therefore, Amendment 706 has no effect on the defendant's sentence.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 3/25/99 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: December 16, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Lacy H. Thornburg  
United States District Judge

